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# Massachusetts Commission On Indian Affairs

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## 1999 ANNUAL REPORT

One Congress Street, 10th Floor, Boston, MA 02114



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# THE COMMONWEALTH OF MASSACHUSETTS

COMMISSION ON INDIAN AFFAIRS

ONE CONGRESS STREET, 10th FLOOR

BOSTON, MA 02114

Argeo Paul Cellucci, Governor  
Jane Swift, Lieutenant Governor

Jane Wallis Gumble, Director  
Department of Housing &  
Community Development



John Peters, Jr.  
Executive Director

Phone: (617) 727-6394  
(617) 727-6966  
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March 13, 2000

Dear Governor Cellucci:

The Massachusetts Commission on Indian Affairs is, again, pleased to present its annual report. The year 1999 presented new challenges for and changes within the Commission. A new Executive Director, John Peters, Jr. was appointed and has been steadily working towards bringing our back log to current.

We continued to focus on reorganizing our efforts and establishing new goals to become more responsive to the Native American population in the Commonwealth. As always, we appreciate your support of the Commission as we strive to fulfill our legislative mandate by working on behalf of our people.

Respectfully,

A handwritten signature in cursive script that reads "Maurice Foxx".

Maurice L. Foxx  
Chairman

John "Jim" Peters, Jr.  
Executive Director

JAP:bs





## COMMISSIONER BIOGRAPHIES

According to the Commissions' legislative mandate, there shall be seven members appointed by the governor who shall be of American Indian descent. Out of seven Commission members, six seats were filled and there was one vacancy this year. Below are the Commissioners' biographies.

### **Maurice L. Foxx ~ Chairman**

Commissioner Foxx is a member of the Mashpee Wampanoag Tribe. He earned a degree in Mechanical Engineering at Northeastern University. He has been employed for 23 years at Fanueil Hall Marketplace in Boston as the Director of Technical Services. He became a member of the Commission on Indian Affairs in 1995 and currently serves as chairman. He is also Chairman of the Mashpee Wampanoag Tribal Museum Committee where he is leading an effort to restore the museum building and other historic buildings held by the Tribe. In addition, Commissioner Foxx sits on a number of boards and committees including the Advisory Council for Plimoth Plantation's Wampanoag Indian Program, the Pilgrim Society Advisory Board, and the Mashpee Wampanoag Powwow Committee. Recently, he collaborated with Children's Museum in Boston on the development of their Wampanoag website. (<http://www.bostonkids.org/teachers>)

### **Cheryll L. Holley**

Commissioner Holley is a Nipmuc from Worcester, MA and became a member of the Commission on Indian Affairs in October 1998. She attended Howard University in Washington, DC and served in the U.S. Army Medical Corp. for several years. The mother of three school-age daughters, she is currently a dialysis nurse at UMass Memorial Hospital in Worcester.

She is a founding member and current Project Director of the Nipmuc Indian Development Corporation, a non-profit agency dedicated to increasing self-sufficiency in Native people both as a whole and as individuals. A freelance writer, she has served on various boards and committees in the Worcester area and currently serves as the newsletter editor and as a community educator for the Nipmuc Women's Health Coalition.

### **Janice L. Falcone**

Commissioner Falcone was born on the Tonawanda Seneca Reservation in upstate New York. Her recently deceased father, Nis-han-nee-nay, had been a Sachem Chief of the Seneca Nation's Snipe Clan for more than 40 years. Although her father was a Seneca chief of the Snipe Clan, Commissioner Falcone is a member of her mother's turtle clan. She is also a member of her mother's Onondaga Nation through matrilineal descent.

After college and several years of teaching in the Boston area, Commissioner Falcone became involved with the Boston Indian Council. After several years she was appointed to the Directorship of Employment and Training Services for the North American Indian Center of Boston (formerly the Boston Indian Council).

Commissioner Falcone's most recent involvements have included being appointed to the National Native American Employment and Training Council for the U.S. Department of





Labor and also an appointment to the Commission on Indian Affairs. Serving as the national Chairperson for Native American women for the Second Continental Congress of Women of the Americas in 1992 inspired Commissioner Falcone to address women's issues internationally.

### **Helen V. Manning**

Commissioner Manning has served for a number of years as the Commissioner on Indian Affairs representing the Aquinnah Wampanoag Tribe. She worked as an educator in the public school systems of Washington D.C. and Oak Bluffs, MA for thirty-one years, retiring in 1984. She earned her Bachelors degree while in Washington, D.C. and her Masters in Education at New York University in 1952. Over the years, she has served on a number of boards and committees in the town of Gay Head including a term as Selectwoman during the 1970's.

Today, Commissioner Manning serves on several tribal committees including the Education Committee and the Health Committee. She is also the treasurer of the new Aquinnah Cultural Center.

### **Lucyann Swenson**

Commissioner Swenson, Nipmuck, was appointed to the Commission on Indian Affairs on August 19, 1998. She had previously served as a Commissioner from May 1984 to October 1986. She is married and raised two daughters and a son. She earned a degree in nursing and is currently employed at U Mass Memorial Hospital in Worcester.

In the mid-seventies, she was instrumental in re-uniting and organizing the Chaubunagungamaugg Band of Nipmucks which resulted in the establishment of an independent tribal council to serve as a catalyst for continuing the federal recognition project. She is the Clan Mother of the Chaubunagungamaugg Band of Nipmucks and one of the founding members of two Nipmuck Indian Schools, one in Providence and the other in Webster, MA.

### **Dr. Herbert R. Waters, Jr.**

Commissioner Waters was appointed to the Commission on Indian Affairs on March 24, 1995. A member of the Wampanoag community, he is a life-long resident of the New Bedford-Dartmouth area. He graduated from Providence College and immediately entered the U.S. Marine Corps as a Second Lieutenant. After serving in the USMC, he accepted a teaching position in Dartmouth and then transferred to the New Bedford School Department where he taught for thirty-seven years. For twenty-two of those years, he was the principal of Sgt. Wm. H. Carney Academy, an institution that was known statewide as an outstanding place of learning with emphasis on multi-cultural education and progressive/innovative methods and techniques for learning.

Commissioner Waters has been involved in Indian Affairs for his entire life encompassing curriculum development, assisting Slow Turtle and Drifting Goose during the 80's reorganizing effort, and the social/political struggles of Indian people. He is married and has five children, all of whom are college graduates and have served the country in the U.S. Marine Corps and the U. S. Army.





## PURPOSE AND RESPONSIBILITIES

The Commission is charged with investigating problems common to Native Americans who are residents of the Commonwealth. It is further charged with assisting tribal councils, Native American organizations, and individuals in their relationship with agencies of state and local government. It assists with social services, education, employment opportunities, health, housing problems, civil rights, legal aid, treaties, taking of a census of Native American residents, and any other rights or services concerning Native American residents of the Commonwealth. In addition, it shall provide for the burial expenses for the remains of any person whose previously unknown grave has been disturbed, forcing its relocation, and whose identity has been determined by the state archaeologist to be that of an American Indian.

Additionally, the Commission shall meet at least four times annually. In accordance with the mandate, regular meetings were held on the following dates:

Regular Meetings-Boston Office: January 21, 1999; March 4, 1999; March 22, 1999; April 8, 1999; April 21, 1999; May 19, 1999; and August 25, 1999.

Retreat: October 29 & 30, 1999 (Best Western Hotel, Waltham, MA)

## ACTIVITIES & INVOLVEMENTS

### NATIVE GRAVESITES AND EXCAVATION SITES

**Squibnocket Ridge, Aquinnah, MA:** On Martha Vineyard Island there has been an ongoing consultation among the landowner, the Aquinnah Tribe, the Massachusetts Historical Commission and the Commission on Indian Affairs. This site involves the development of a major residence within the confines of a significant burial site. The Public Archeological Laboratory, Inc. (PAL) was contracted this year by the owners and they have spent several months meticulously excavating the features from the site and a portion of the lot has been designated for re-interment of ancestors and associated objects. It is anticipated that the final Memorandum of Agreement and preservation restrictions will be completed in early 2000.

**Mackin Site, Greenfield, MA:** This site is associated with the Native villages near the Deerfield and Turner Falls massacre sites of the 1670's. Mackin Construction Company owns this 60-acre parcel and has been mining sand and loam for a number of years. The site has been noted for its artifacts [for a number of years] and there is rumor that an ancestor was removed in the sixties. The Friends of the Wissatinnewag have been fighting to save this site for the past 4 years and have been frustrated by the lack of intervention by this Commission and the Massachusetts Historical Commission. The law allows intervention only if human remains are found. In December of this year, police were summoned to the Mackin property where small fragments of human remain were found.





The State Archeologist and Indian Affairs closed the site until further investigation can be conducted. There has been an ongoing effort to purchase the site for preservation and to include it with some of the other state owned parcels on the Connecticut River. Further discussion will ensue in 2000.

**Mizzenmast Rd, Mashpee, MA** In August, this unmarked cemetery was discovered as this lot was being excavated for a residential dwelling. It is highly probable that these people are related to the descendants of Rosanna Jonas, a Mashpee Native. Under the guidance of the Massachusetts Historical Commission the remaining foot print of the proposed house was carefully excavated discovering 14 more grave shafts (total 17) on this 15,000 s.f. lot. This office along with the Massachusetts Historical Commission have been seeking resources to purchase this lot so that it can be protected into perpetuity.

The Trust for Public Land met with the owners and made an offer, though the owners contend the offer is unrealistic when considering replacement cost for a comparable lot. The Commission staff has also approached the Massachusetts Department of Environmental Management, Land Acquisitions Division, asking for contributions. Another meeting is tentatively scheduled for late January 2000.

**Willow Bend, Mashpee, MA** This project entails a known 8500 year old native burial site in an area that the owner would like to expand his golf course. This site is related to a significant archeological corridor along the Santuit River that has been used as a cemetery for thousands of years. Currently his development consists of a nine hole golf course, clubhouse, tennis courts, and million dollar homes. Approvals to develop 70 homes on this woodland site have been granted by the town, but the developer would rather expand the golf course. He has offered several concessions in attempt to mitigate and appease the tribes' issues and those of the town, environmental and other concerns. Because of the archeological sensitivity of the area, the Massachusetts Historical Commission and our Commission have jurisdiction over the process. We will continue to work with the tribe, town, and the developer seeking an amenable solution.

**Boston Harbor Islands:** The Commonwealth, the Massachusetts Water Resources Authority, towns, landowners, and the National Park Service have entered into a Partnership to develop the Boston Harbor Islands as a tourist destination highlighting the islands historical and environmental significance.

There is literally, a "grave" of Native American history embedded within these islands that must be told. Rightfully, a Native Advisory Board to the Partnership has been formed to contribute to that end. Conversely, some of the Massachusetts Native communities contend that they have been slighted by the misnomer that only federally recognized tribes can be seated on the Advisory Board. This has been particularly difficult as the descendants of those natives imprisoned on those islands during King Philips War in 1675-76 do not have a direct voice in the plans for these islands. It would be very unfortunate if the Native communities allow differences to prevent them from taking full advantage of an opportunity to portray a factual history to the rest of the world.





Because all but one of the islands are owned by individuals, municipalities, or the Commonwealth, jurisdiction over unmarked Native American burials rests with the state. The Commission on Indian Affairs will continue its involvement with this project in concert with or independent of the Native American Advisory Board.

There are three important parts to this project. One is to design and dedicate a memorial at Deer Island for the Natick/Nipmuc and other natives that perished on those islands. Another is to produce a vision of a historically correct exhibit for the proposed tourist visitors center and implement that vision. And the third is to protect the archeologically sensitive features of these islands.

## **DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (DEM)**

### **Wattuppa Reservation, Freetown, MA:**

Several meetings were held this year with the Department of Environmental Management (DEM) that included the Director of Forest and Parks, members of his staff, and the Commission Chair and Executive Director. The first topic involved procedure for joint enforcement of the Wattuppa Reservation. The primary topic recanted the issue of a trailer that was left on the reservation and what to do if like issues arise again. The discussion accounted for the absence of an Executive Director during that time to facilitate the day to day response to such an issue. There was a consensus that the action taken was appropriate and that in the future the lines of communication between DEM and the Commission should provide for appropriate and timely action.

There was a recapitulation of the last meetings held in 1997 and 1998 regarding the use of the land and buildings proposed for the property. At the last meeting resource inventory was discussed and certain studies conducted over the years were to be presented to the Commission for further review. There were questions regarding the states' resources inventory for building materials from other state controlled forests. The thought was to acquire the materials to build a large post and beam long house that could facilitate nation meetings and other gatherings. There was also a lot of discussion about a caretakers quarters, and that it should be the initial building developed on the site. We spoke about manpower, how volunteers didn't always bring the experience or time to do the job at hand. There was mention of the Ameri-Corps, a youth program, used at different locations around the state and how that labor resource has been very successful. A trip to the western part of the state is planned with a DEM staff to observe one or two of the camping enterprises the state runs. We also discussed the need to revisit the Pocasset Tribe's proposal by bringing Mashpee and Gay Head to the table to explore each others views and come to some determination. And also the related issue of visiting traditionally frequented places particularly those now considered state beaches and parks

### **Aboriginal Hunting & Fishing Rights:**

In 1998 the State Supreme Court upheld an Appellate Court ruling on the Maxim-Greene vs. Town of Bourne, regarding their Aboriginal Right to hunt and fish. In 1999 Commission Chairman, Executive Director and the Vice President of the Mashpee Tribe met with DEM Commission of Fish and Wildlife to discuss aboriginal hunting and fishing rights.





While they acknowledge the State Supreme Courts ruling, the central questions persisted around the implications and interpretation. Whether there would be consistency in hunting and fishing techniques, catch limits and seasons. How do their enforcement people determine who this applies too, and does not? The Commission described the relationship the Mashpee's have with the town and that Tribal ID cards are used in place of licenses. The tribal fishermen have respected the catch limits of the town, and have contributed to the propagation and maintenance projects of the town shellfish constable. It was agreed that the state will inform their enforcement people to honor Mashpee tribal ID cards. The Commission is to provide them with official logo's of the recognized groups in the Commonwealth. A few issues still remain one being what to do with people that do not have a current tribe or are from a tribe outside of the state. The issue of hunting techniques and catch limits was tabled as it is a topic that the Commission and native groups need to debate among themselves and make recommendations to the state. Meetings will be set up in the year 2000 with the Tribal members and officials from the Division of Fisheries and Wildlife.

### **COMMISSION ON INDIAN AFFAIRS RETREAT**

The Retreat was held on Friday and Saturday, October 29-30, 1999 at the Best Western TLC in Waltham, MA. The Retreat ran both days from 9AM to 5PM. In attendance were Maurice Foxx, Commission Chairman; Janice Falcone, Commissioner; Cheryll Holley, Commissioner; Lucyann Swenson, Commissioner; Dr. Bert Waters, Commissioner; Jim Peters, Executive Director, MCIA; Burne Stanley, Administrative Assistant, MCIA; Terri Bruce, Research & Administrative Coordinator, DHCD; Tara Frier, Chief of Staff, DHCD; Kirke Kickingbird, Facilitator; and Lynn Kickingbird, Facilitator.

#### **The purpose of the Retreat:**

The purpose of the Retreat was for the Commissioners to come to a common understanding of what the Commission's mission is under its authorizing statute and to set attainable goals for the short and long term that will help it accomplish it's mission.

In order to assist the Commission in achieving this goal, DHCD hired two outside facilitators from Oklahoma - Lynn and Kirke Kickingbird. They came in and talked to the Commissioners and staff in general about the role and mission of governor's Commissions and shared with everybody how some other states set up Indian Commissions.

#### **Results of the Retreat**

The major question raised, and primary purpose of the retreat was, where does the Commission get its authority to do the things it does or wants to do. The facilitators skillfully guided the Commissioners through an analysis of the current statute (the law that established the Commission), Executive Order 126, tuition waiver policies, and Commission bylaws to provide a clear assessment of the limits on the Commission's authority.

Strategies were proposed to rectify weakness in the Commission's authority through by-law amendments and changes in operational guidelines to clarify the process. The





proposed amendments will be reviewed again at one of the upcoming Commission meetings. From the discussions, a clear message evolved that there are many issues and obstacles that confront Native people of Massachusetts.

If this office is to be effective in assisting people to address some of those needs clear, concise, attainable goals and objectives need to be established for the short and long term.

#### **5 Bold Steps the Commission can take**

- Restructure and strengthen Commission guidelines, policies, bylaws, and procedures
- Establish strong links between state government agencies and the Commission with cities, town, colleges, and service providers
- Establish a Public Relations Campaign and information program
- Begin legislative recommendations for year 2001
- Hold a Unity Conference-Gathering of Nations

#### **Challenges that MCIA faces**

- Fighting apathy
- Breaking current habits
- Establishing a geographic representation system
- Getting legislative audience and governor on board for legislation
- Strengthening lines of communication with all audiences
- Dealing with disenfranchised/critical people

#### **Supportive Trends**

- Lots of concerned people
- Commitment & expansion of involvement of the Commission & it's committees
- Perseverance
- Renewed focus

#### **LEGISLATION**

In 1999 two legislative bills relative to "indian affairs" were introduced on behalf of citizens of the Commonwealth. Senate Bill #1438 was proposed to improve Indian representation within the Commission on Indian Affairs. The bill would have provided a seat on the Commission for every group that submitted a notice of intent to the BIA that they were going to file a petition for federal recognition.

Senate Bill #1439 sought provisions to change incorrect racial designations on birth records to reflect Native American. Both of these bills were remanded to committee for further study. The Commission submitted written testimony in opposition of both bills.



## FROM THE OFFICE

### NATIVE AMERICAN TUITION WAIVERS

The Native American Tuition Waiver is a benefit for Native American students who are enrolled and attending Massachusetts state colleges and universities. Through the guidelines set forth by the Board of Higher Education, the Commission is authorized to certify that individuals are of Native American descent and eligible for the waiver.

Before the beginning of each semester, the Commission sends a letter to the respective colleges and universities with the names of students who have been certified as being Native American. This year, 112 Native American students received the tuition waiver.

### ASSISTANCE, INFORMATION, AND REFERRALS

During the year, there were 2601 requests for assistance and information from our Native American constituency.

### INFORMATION AND RESOURCES

The Commission has become a large resource for information and materials about Native Americans. This year, the office received more than 2100 requests for information and more than 5800 inquiries from the general public.

### WEB SITE

The Commission is developing a web site that will describe its charges and services. We will also use this source to distribute information about current issues, news and events. An e-mail address will also be listed to accept comments and dialogue.

### BUDGET

The budget for fiscal year '99 was \$95,967. The funds covered

Salaries \$47,692

Commission Travel \$1,400

Administrative Expenses & Supplies \$1,008

Contract Employee \$28,000

Equipment Leasing \$967

Interments \$16,900

### STAFF

In 1999, final steps were taken to advertise for, interview candidates, and hire an executive director. In May of this year, after careful consideration and deliberation, the Commission voted to recommend John A. Peters, Jr. to the Department of Housing and Community Development to be hired. The office is now staffed with an executive director and a part-time administrative assistant.





**APPENDIX****Massachusetts Historic Tribes Acknowledged by MCIA**

Chaubunagungamaugg Nipmuck c/o Chief Wise Owl 280 Keys Road, RFD W. Brookfield, MA 01585 413-436-5596	Hassanamisco Nipmuc c/o Nipmuc Nation Tribal Council 156 Worcester-Providence Road, Suite 28 Sutton, MA 01527 508-865-9800
Mashpee Wampanoag Indian Tribe ATTN: Russell M. Peters, President P.O. Box 1048 Mashpee, MA 02649 508-477-0208	Pocasset Wampanoag Tribe P.O. Box 4359 Fall River, MA 02734 508-674-6658
Seaconke Wampanoag Tribe ATN: George Jennings, Chief 412 Taunton Avenue Seekonk, MA 02771 508-336-8426	Wampanoag Tribe of Gay Head ATTN: Beverly Wright, Chairperson 20 Blackbrook Road Aquinnah, MA 02535 508-645-9265

**Other Tribal Groups in Massachusetts**

Assonet Band of Wampanoags ATTN: Chief Windsong Blake 726 County Street New Bedford, MA 02740	Chappaquiddick Wampanoags c/o Al Curtis, Sagamore 31 Worcester Square Boston, MA 02118 617-266-2427
Herring Pond Wampanoags P.O. Box 27 Buzzards Bay, MA 02532 508-888-4290	Ponkapoag Tribe ATTN: Lightningfoot, Chief P.O. Box 4064 Brockton, MA 02403

**Urban Indian Centers in Massachusetts**

North American Indian Center of Boston 105 South Huntington Avenue Jamaica Plain, MA 02130 617-232-0343 617-277-4804 (JTPA)	
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